

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

RON and LISA SIMMONS,
BRENTERPRISES, L.P., CHARLES
SCOTT SYKES, JR., d/b/a CSS
TECHNOLOGY ASSOCIATES
SYKES & ASSOCIATES,

Plaintiffs,

V.

QUIXTAR, INC.,

Defendant.

CASE NO. 4:07cv389

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 4, 2007, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that this matter be referred to arbitration and that this Court enter a preliminary injunction order preventing Defendant from interfering with Plaintiffs' business or business relationships.

The Court, having made a *de novo* review of the objections raised by Defendant and Plaintiffs' response to those objections, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Defendant are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. Therefore, Defendant's Motion to Dismiss or Compel Arbitration (Dkt.

17) should be GRANTED in part and DENIED in part and Plaintiffs' First Amended Application for Preliminary Injunction (Dkt. 21) should be GRANTED in part and DENIED in part. A preliminary injunction order shall be issued by this Court, and this Court shall enter an order referring this case to arbitration.

IT IS SO ORDERED.

SIGNED this 5th day of November, 2007.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE